

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

JERREMY RAY

§

v.

§

CIVIL ACTION NO. 5:16-cv-115

WARDEN J. WILSON, ET AL.

§

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ORDER DENYING PLAINTIFF'S MOTION FOR INJUNCTIVE RELIEF

The Plaintiff Jeremy Ray, an inmate of the Texas Department of Criminal Justice, Correctional Institutions Division proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Plaintiff filed a motion for injunctive relief concerning the conditions of confinement at the Telford Unit of TDCJ-CID. Shortly after filing the motion, he was transferred to another unit. The Magistrate Judge issued a Report recommending the motion for injunctive relief be denied as moot because of the transfer. Burge v. Dunn, 68 F.3d 465 (5th Cir. 1995), *citing* Rocky v. King, 900 F.2d 864, 867 (5th Cir. 1990).

In his objections, Plaintiff acknowledges he is now at the Stiles Unit. He states he received a copy of the Report on May 31, 2017, but it had already been opened and read by the unit warden. He asserts prison officials are not allowed to read his legal mail and the fact this was done violates attorney-client privilege. Plaintiff also complains he was told the facility had released confidential information about him in a criminal case having nothing to do with him.

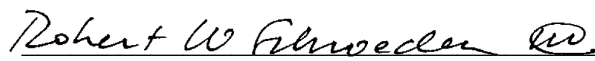
He asks for an order transferring him to a different unit, asserting the regional director has the authority to do that.

The events occurring at the Stiles Unit which Plaintiff cites are not connected to any events at the Telford Unit forming the basis of the lawsuit, and Plaintiff does not object to any of the proposed findings or conclusions of the Magistrate Judge regarding these events. As the Magistrate Judge correctly determined, Plaintiff's transfer to the Stiles Unit renders his request for injunctive relief at the Telford Unit moot, and only the State Classification Committee, not an individual regional director, may approve a unit transfer. Moore v. Lightfoot, 286 F.App'x 844, 2008 U.S. App. LEXIS 13624, 2008 WL 2570694 (5th Cir., June 27, 2008). Plaintiff's objections are without merit.

The Court has conducted a careful *de novo* review of those portions of the Magistrate Judge's proposed findings and recommendations to which the Plaintiff objected. *See* 28 U.S.C. §636(b)(1) (district judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.") Upon such *de novo* review, the Court has determined that the Report of the Magistrate Judge is correct and the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and the Report of the Magistrate Judge (Docket No. 23) is **ADOPTED** as the opinion of the District Court. It is further **ORDERED** that the Plaintiff's motion for injunctive relief (Docket No. 11) is hereby **DENIED AS MOOT**.

So ORDERED and SIGNED this 7th day of July, 2017.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE